IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**Civil Revision No. 1364 of 2005**

**Date of decision: 13.03.2007**

**Dilbag Singh etc.**

**..... Petitioners.**

**Versus**

**Malook Singh etc.**

**..... Respondents.**

**CORAM: HON'BLE MR. JUSTICE M.M. AGGARWAL**

Present:- Mr. V.K. Sandhir, Advocate
for the petitioners.

Mr. B.R. Mahajan,Advocate
for respondent Nos.1 to 3.

**M.M. AGGARWAL, J. (ORAL)**

This is a petition against the order dated 03.02.2005 of Additional District Judge, Amritsar, whereby appeal filed beyond prescribed of limitation by the present petitioners-defendants against the judgment dated 23.08.2002 of Additional Civil Judge (Senior Division), Baba Bakala was dismissed.

On behalf of the petitioners- defendants, it is argued that in fact some matters were pending before the Revenue Court and there some compromise had been effected and therefore defendants- petitioners did not appear before the trial Court to contest the suit and also not filed the appeal in time.

There was a delay of 103 days in filing the appeal.

After hearing counsel for the parties, it is directed that petitioners-defendants shall be burdened with Rs.5000/- as costs and the delay of 103 days in filing the appeal is condoned. The appeal shall be heard by the first appellate Court on merits and be decided within a period of six months.

Parties through their counsel are directed to appear before the first appellate on 17.04.2007.

Disposed of in view of the aforesaid terms.

March 13, 2007 **( M.M. AGGARWAL )**
Dinesh **JUDGE**